

108TH CONGRESS
1ST SESSION

H. R. 2086

To reauthorize the Office of National Drug Control Policy.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2003

Mr. SOUDER (for himself and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize the Office of National Drug Control Policy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
4 **TENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Office of National Drug Control Policy Reauthorization
7 Act of 2003”.

8 (b) AMENDMENT OF OFFICE OF NATIONAL DRUG
9 CONTROL POLICY REAUTHORIZATION ACT OF 1998.—Ex-
10 cept as otherwise expressly provided, whenever in this Act

1 an amendment or repeal is expressed in terms of an
 2 amendment to, or repeal of, a section or other provision,
 3 the reference shall be considered to be made to a section
 4 or other provision of the Office of National Drug Control
 5 Policy Reauthorization Act of 1998 (Public Law 105–277;
 6 21 U.S.C. 1701 et seq.).

7 (c) TABLE OF CONTENTS.—The table of contents of
 8 this Act is as follows:

- Sec. 1. Short title; references; table of contents.
- Sec. 2. Amendments to definitions.
- Sec. 3. Amendments relating to appointment and duties of Director and Deputy Directors.
- Sec. 4. Amendments relating to coordination with other agencies.
- Sec. 5. Development, submission, implementation, and assessment of National Drug Control Strategy.
- Sec. 6. High intensity drug trafficking areas program.
- Sec. 7. Funding for certain high intensity drug trafficking areas.
- Sec. 8. Amendments relating to Counter-Drug Technology Assessment Center.
- Sec. 9. Repeals.
- Sec. 10. National Youth Anti-Drug Media Campaign.
- Sec. 11. Authorization of appropriations.
- Sec. 12. Extension of termination date.

9 **SEC. 2. AMENDMENTS TO DEFINITIONS.**

10 (a) AMENDMENTS TO DEFINITIONS.—Section 702 is
 11 amended—

12 (1) in paragraph (1)—

13 (A) by striking “and” at the end of sub-
 14 paragraph (F);

15 (B) by striking the period at the end of
 16 subparagraph (G); and

17 (C) by adding at the end the following:

18 “(H) interventions for drug abuse and de-
 19 pendence; and

1 “(I) international drug control coordina-
2 tion and cooperation with respect to activities
3 described in this paragraph.”.

4 (2) in paragraph (9), by striking “implicates”
5 and inserting “indicates”;

6 (3) in paragraph (10)—

7 (A) by striking “and” at the end of sub-
8 paragraph (B);

9 (B) by striking the period at the end of
10 subparagraph (C) and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(D) domestic drug law enforcement, in-
13 cluding law enforcement directed at drug
14 users.”; and

15 (4) in paragraph (11)—

16 (A) by inserting before the semicolon in
17 subparagraph (A) the following: “(including
18 source country programs, and law enforcement
19 outside the United States)”;

20 (B) by inserting “and” after the semicolon
21 in subparagraph (B);

22 (C) by striking “; and” at the end of sub-
23 paragraph (C) and inserting a period; and

24 (D) by striking subparagraph (D).

1 (b) CONFORMING AMENDMENTS.—Section 703(b)(3)
 2 is amended—

3 (1) in subparagraph (A), by striking “(G)” and
 4 inserting “(H)”; and

5 (2) in subparagraph (C)—

6 (A) by striking “(C)” and inserting “(D)”;
 7 and

8 (B) by striking “and subparagraph (D) of
 9 section 702(11)”.

10 **SEC. 3. AMENDMENTS RELATING TO APPOINTMENT AND**
 11 **DUTIES OF DIRECTOR AND DEPUTY DIREC-**
 12 **TORS.**

13 (a) DESIGNATION OF OTHER OFFICERS.—Section
 14 704(a)(3) is amended—

15 (1) by striking “permanent employee” and in-
 16 serting “officer or employee”; and

17 (2) by striking “serve as the Director” and in-
 18 serting “serve as the acting Director”.

19 (b) RESPONSIBILITIES OF DIRECTOR.—Section
 20 704(b) is amended—

21 (1) in paragraph (4), by striking “Federal de-
 22 partments and agencies engaged in drug enforce-
 23 ment,” and inserting “National Drug Control Pro-
 24 gram agencies,”;

1 (2) by inserting “and” at the end of paragraph
2 (12);
3 (3) by striking paragraphs (13) and (14); and
4 (4) by redesignating paragraph (15) as para-
5 graph (13).

6 (c) REVIEW AND CERTIFICATION OF NATIONAL
7 DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3)
8 is amended—

9 (1) by redesignating subparagraphs (C) and
10 (D) as subparagraphs (D) and (E), respectively;

11 (2) by inserting after subparagraph (B) the fol-
12 lowing new subparagraph:

13 “(C) SPECIFIC REQUESTS.—The Director
14 shall not confirm the adequacy of any budget
15 request that—

16 “(i) requests funding for Federal law
17 enforcement activities that do not ade-
18 quately compensate for transfers of drug
19 enforcement resources and personnel to
20 law enforcement and investigation activi-
21 ties not related to drug enforcement as de-
22 termined by the Director;

23 “(ii) requests funding for law enforce-
24 ment activities on the borders of the
25 United States that do not adequately di-

1 rect resources to drug interdiction and en-
2 forcement as determined by the Director;

3 “(iii) requests funding for drug treat-
4 ment activities that do not provide ade-
5 quate result and accountability measures
6 as determined by the Director;

7 “(iv) requests funding for any activi-
8 ties of the Safe and Drug Free Schools
9 Program that do not include a clear anti-
10 drug message; or

11 “(v) requests funding to enforce sec-
12 tion 484(r)(1) of the Higher Education
13 Act of 1965 (20 U.S.C. 1091(r)(1)) with
14 respect to convictions for drug-related of-
15 fenses not occurring during a period of en-
16 rollment for which the student was receiv-
17 ing any Federal grant, loan, or work as-
18 sistance.”;

19 (3) in subparagraph (D), as so redesignated, by
20 inserting “and the authorizing Committees for the
21 Office” after “House of Representatives”; and

22 (4) in subparagraph (E)(ii)(bb), as so redesign-
23 ated, by inserting “and the authorizing Committees
24 for the Office” after “House of Representatives”.

1 (d) REPROGRAMMING AND TRANSFER REQUESTS.—
2 Section 794(c)(4)(A) is amended by striking
3 “\$5,000,000” and inserting “\$1,000,000”.

4 (e) POWERS OF DIRECTOR.—Section 704(d) is
5 amended—

6 (1) in paragraph (8)(D), by striking “have been
7 authorized by Congress;” and inserting “authorized
8 by law;”;

9 (2) in paragraph (9)—

10 (A) by inserting “notwithstanding any
11 other provision of law,” after “(9)”; and

12 (B) by striking “Strategy; and” and insert-
13 ing “Strategy and notify the authorizing com-
14 mittees of the Congress for the Office of any
15 fund control notice issued;”

16 (3) in paragraph (10), by striking “(22 U.S.C.
17 2291j).” and inserting “(22 U.S.C. 2291j) and sec-
18 tion 706 of the Department of State Authorization
19 Act for Fiscal Year 2003 (22 U.S.C. 229j–l);”;

20 (4) by adding at the end the following new
21 paragraphs:

22 “(11) not later than August 1 of each year,
23 submit to the President a report, and transmit cop-
24 ies of the report to the Secretary of State and the

1 authorizing committees of the Congress for the Of-
2 fice, that—

3 “(A) provides the Director’s assessment of
4 which countries are major drug transit coun-
5 tries or major illicit drug producing countries as
6 defined in section 481(e) of the Foreign Assist-
7 ance Act of 1961;

8 “(B) provides the Director’s assessment of
9 whether each country identified under subpara-
10 graph (A) has cooperated fully with the United
11 States or has taken adequate steps on its own
12 to achieve full compliance with the goals and
13 objectives established by the United Nations
14 Convention Against Illicit Traffic in Narcotic
15 Drugs and Psychotropic Substances and other-
16 wise has assisted in reducing the supply of il-
17 licit drugs to the United States; and

18 “(C) provides the Director’s assessment of
19 whether application of procedures set forth in
20 section 490(a) through (h) of the Foreign As-
21 sistance Act of 1961, as provided in section 706
22 of the Department of State Authorization Act
23 for Fiscal Year 2003, is warranted with respect
24 to countries the Director assesses have not co-
25 operated fully; and

1 “(12) appoint a United States Interdiction Co-
2 ordinator under subsection (i).”.

3 (f) UNITED STATES INTERDICTION COORDINATOR.—
4 Section 704 (21 U.S.C. 1703) is further amended by add-
5 ing at the end the following:

6 “(i) UNITED STATES INTERDICTION COORDI-
7 NATOR.—

8 “(1) IN GENERAL.—There shall be in the Office
9 a United States Interdiction Coordinator, who shall
10 be appointed by the Director and shall perform du-
11 ties determined by the Director with respect to co-
12 ordination of efforts to interdict illicit drugs from
13 the United States.

14 “(2) APPOINTMENT.—

15 “(A) IN GENERAL.—Notwithstanding any
16 other provision of law (except subparagraph
17 (B)), the Director may appoint any individual
18 to serve as the United States Interdiction Coor-
19 dinator.

20 “(B) LIMITATION.—The Director may not
21 appoint to such position any individual who
22 concurrently serves as the head of any other
23 Federal department or agency or any subdivi-
24 sion thereof with responsibility for narcotics
25 interdiction activities, except the counter-

1 narcotics officer of the Department of Home-
2 land Security appointed under section 878 of
3 the Homeland Security Act of 2002 (6 U.S.C.
4 458).’’.

5 **SEC. 4. AMENDMENTS RELATING TO COORDINATION WITH**
6 **OTHER AGENCIES.**

7 Section 705 is amended—

8 (1) in subsection (a)(1)(A), by striking
9 “abuse”;

10 (2) by amending paragraph (3) of subsection
11 (a) to read as follows:

12 “(3) REQUIRED REPORTS.—

13 “(A) The Secretaries of Agriculture and
14 Interior shall, by July 1 of each year, jointly
15 submit to the Director and the authorizing
16 Committees for the Office an assessment of the
17 quantity of illegal drug cultivation and manu-
18 facturing in the United States on lands owned
19 or under the jurisdiction of the Federal Govern-
20 ment for the preceding year.

21 “(B) The Attorney General shall, by July
22 1 of each year, submit to the Director and the
23 authorizing Committees for the Office informa-
24 tion for the preceding year regarding the num-
25 ber and type of—

1 “(i) arrests for drug violations;

2 “(ii) prosecutions for drug violations
3 by United States Attorneys; and

4 “(iii) the number and type of seizures
5 of drugs by each component of the Depart-
6 ment seizing drugs, as well as statistical
7 information on the geographic areas of
8 such seizures.

9 “(C) The Secretary of Homeland Security
10 shall, by July 1 of each year, submit to the Di-
11 rector and the authorizing Committees for the
12 Office information for the preceding year re-
13 garding—

14 “(i) the number and type of seizures
15 of drugs by each component of the Depart-
16 ment seizing drugs, as well as statistical
17 information on the geographic areas of
18 such seizures; and

19 “(ii) the number of air and maritime
20 patrol hours undertaken by each compo-
21 nent of the Department primarily dedi-
22 cated to drug supply reduction missions.

23 “(D) The Secretary of Defense shall, by
24 July 1 of each year, submit to the Director and
25 the authorizing Committees for the Office infor-

1 mation for the preceding year regarding the
 2 number of air and maritime patrol hours pri-
 3 marily dedicated to drug supply reduction mis-
 4 sions undertaken by each component of the De-
 5 partment of Defense.”; and

6 (3) in subsection (b)(2)(B), by striking “Pro-
 7 gram.” and inserting “Strategy.”

8 **SEC. 5. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
 9 **AND ASSESSMENT OF NATIONAL DRUG CON-**
 10 **TROL STRATEGY.**

11 Section 706 is amended to read as follows:

12 **“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
 13 **AND ASSESSMENT OF NATIONAL DRUG CON-**
 14 **TROL STRATEGY.**

15 “(a) TIMING, CONTENTS, AND PROCESS FOR DEVEL-
 16 OPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL
 17 STRATEGY.—

18 “(1) IN GENERAL.—Not later than February 1
 19 of each year, the President shall submit to Congress
 20 a National Drug Control Strategy, which shall set
 21 forth a comprehensive plan for reducing illicit drug
 22 use and the consequences of illicit drug use in the
 23 United States by reducing the demand for illegal
 24 drugs, limiting the availability of illegal drugs, and

1 conducting law enforcement activities with respect to
2 illegal drugs.

3 “(2) CONTENTS.—

4 “(A) IN GENERAL.—The National Drug
5 Control Strategy submitted under paragraph
6 (1) shall include—

7 “(i) comprehensive, research-based,
8 long-range, quantifiable, goals for reducing
9 illicit drug use and the consequences of il-
10 licit drug use in the United States;

11 “(ii) annual objectives and strategy
12 for demand reduction, supply reduction,
13 and law enforcement activities, specific tar-
14 gets to accomplish long-range quantifiable
15 reduction in illicit drug use as determined
16 by the Director, and specific measurements
17 to evaluate progress toward the targets
18 and strategic goals;

19 “(iii) a strategy to reduce the avail-
20 ability and purity of illegal drugs and the
21 level of drug-related crime in the United
22 States;

23 “(iv) an assessment of Federal effec-
24 tiveness in achieving the National Drug

1 Control Strategy for the previous year, in-
2 cluding—

3 “(I) a specific evaluation of
4 whether the objectives and targets for
5 reducing illicit drug use for the pre-
6 vious year were met and reasons for
7 the success or failure of the previous
8 year’s Strategy; and

9 “(II) an assessment of the avail-
10 ability and purity of illegal drugs and
11 the level of drug-related crime in the
12 United States;

13 “(v) notification of any program or
14 budget priorities that the Director expects
15 to significantly change from the current
16 Strategy over the next five years;

17 “(vi) a review of international, State,
18 local, and private sector drug control ac-
19 tivities to ensure that the United States
20 pursues well-coordinated and effective drug
21 control at all levels of government;

22 “(vii) such statistical data and infor-
23 mation as the Director deems appropriate
24 to demonstrate and assess trends relating
25 to illicit drug use, the effects and con-

1 sequences thereof, supply reduction, de-
2 mand reduction, drug-related law enforce-
3 ment, and the implementation of the Na-
4 tional Drug Control Strategy; and

5 “(viii) a supplement reviewing the ac-
6 tivities of each individual National Drug
7 Control Program agency during the pre-
8 vious year with respect to the National
9 Drug Control Strategy and the Director’s
10 assessment of the progress of each Na-
11 tional Drug Control Program agency in
12 meeting its responsibilities under the Na-
13 tional Drug Control Strategy.

14 “(B) CLASSIFIED INFORMATION.—Any
15 contents of the National Drug Control Strategy
16 that involve information properly classified
17 under criteria established by an Executive order
18 shall be presented to Congress separately from
19 the rest of the National Drug Control Strategy.

20 “(C) SELECTION OF DATA AND INFORMA-
21 TION.—In selecting data and information for
22 inclusion under subparagraph (A), the Director
23 shall ensure—

24 “(i) the inclusion of data and informa-
25 tion that will permit analysis of current

1 trends against previously compiled data
2 and information where the Director be-
3 lieves such analysis enhances long-term as-
4 sessment of the National Drug Control
5 Strategy; and

6 “(ii) the inclusion of data and infor-
7 mation to permit a standardized and uni-
8 form assessment of the effectiveness of
9 drug treatment programs in the United
10 States.

11 “(3) PROCESS FOR DEVELOPMENT AND SUB-
12 MISSION.—

13 “(A) CONSULTATION.—In developing and
14 effectively implementing the National Drug
15 Control Strategy, the Director—

16 “(i) shall consult with—

17 “(I) the heads of the National
18 Drug Control Program agencies;

19 “(II) Congress;

20 “(III) State and local officials;

21 “(IV) private citizens and organi-
22 zations with experience and expertise
23 in demand reduction;

1 “(V) private citizens and organi-
2 zations with experience and expertise
3 in supply reduction;

4 “(VI) private citizens and organi-
5 zations with experience and expertise
6 in law enforcement; and

7 “(VII) appropriate representa-
8 tives of foreign governments;

9 “(ii) with the concurrence of the At-
10 torney General, may require the El Paso
11 Intelligence Center to undertake specific
12 tasks or projects to implement the Na-
13 tional Drug Control Strategy;

14 “(iii) with the concurrence of the Di-
15 rector of Central Intelligence and the At-
16 torney General, may request that the Na-
17 tional Drug Intelligence Center undertake
18 specific tasks or projects to implement the
19 National Drug Control Strategy; and

20 “(iv) may make recommendations to
21 the Secretary of Health and Human Serv-
22 ices on research that supports or advances
23 the National Drug Control Strategy.

24 “(B) RECOMMENDATIONS.—Recommendations
25 under subparagraph (A)(iv) may include

1 recommendations of research to be performed
2 at the National Institutes of Health, including
3 the National Institute on Drug Abuse, or any
4 other appropriate agency within the Depart-
5 ment of Health and Human Services.

6 “(C) INCLUSION IN STRATEGY.—The Na-
7 tional Drug Control Strategy under this sub-
8 section shall include a list of each entity con-
9 sulted under subparagraph (A)(i).

10 “(4) SUBMISSION OF REVISED STRATEGY.—The
11 President may submit to Congress a revised Na-
12 tional Drug Control Strategy that meets the require-
13 ments of this section—

14 “(A) at any time, upon a determination by
15 the President, in consultation with the Director,
16 that the National Drug Control Strategy in ef-
17 fect is not sufficiently effective; or

18 “(B) if a new President or Director takes
19 office.

20 “(b) PERFORMANCE MEASUREMENT SYSTEM.—Not
21 later than February 1 of each year, the Director shall sub-
22 mit to Congress a description of the national drug control
23 performance measurement system, designed in consulta-
24 tion with affected National Drug Control Program agen-
25 cies, that includes performance measures for the National

1 Drug Control Strategy and activities of National Drug
2 Control Program agencies related to the National Drug
3 Control Strategy.”.

4 **SEC. 6. HIGH INTENSITY DRUG TRAFFICKING AREAS PRO-**
5 **GRAM.**

6 Section 707 is amended to read as follows:

7 **“SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS**
8 **PROGRAM.**

9 “(a) ESTABLISHMENT.—There is established in the
10 Office a program to be known as the High Intensity Drug
11 Trafficking Areas Program (in this section referred to as
12 the “Program”).

13 “(b) DESIGNATION.—The Director, upon consulta-
14 tion with the Attorney General, the Secretary of the
15 Treasury, the Secretary of Homeland Security, heads of
16 the National Drug Control Program agencies, and the
17 Governor of each applicable State, may designate any
18 specified area of the United States as a high intensity
19 drug trafficking area.

20 “(c) FACTORS FOR CONSIDERATION.—(1) In consid-
21 ering whether to designate an area under this section as
22 a high intensity drug trafficking area, the Director shall
23 consider, in addition to such other criteria as the Director
24 considers to be appropriate, the extent to which—

1 “(A) the area is a major center of illegal drug
2 production, manufacturing, importation, or distribu-
3 tion for the United States and as compared to other
4 areas of the United States;

5 “(B) State and local law enforcement agencies
6 have committed resources to respond to the drug
7 trafficking problem in the area, thereby indicating a
8 determination to respond aggressively to the prob-
9 lem;

10 “(C) drug-related production, manufacturing,
11 importation, or distribution in the area is having a
12 significant harmful impact in other areas of the
13 United States; and

14 “(D) a significant increase in allocation of Fed-
15 eral resources is necessary to respond adequately to
16 drug-related activities in the area.

17 “(2) For purposes of paragraph (1)(A), in consid-
18 ering whether an area is a major center of illegal drug
19 production, manufacturing, importation, or distribution as
20 compared to other areas of the United States, the Director
21 shall consider—

22 “(A) the quantity of illicit drug traffic entering
23 or transiting the area originating in foreign coun-
24 tries;

1 “(B) the quantity of illicit drugs produced in
2 the area;

3 “(C) the number of Federal, State, and local
4 arrests, prosecutions, and convictions for drug traf-
5 ficking and distribution offenses in the area;

6 “(D) the degree to which the area is a center
7 for the activities of national drug trafficking organi-
8 zations; and

9 “(E) such other criteria as the Director con-
10 siders appropriate.

11 “(d) SOUTHWEST BORDER.—The Director may not
12 designate any county contiguous to the international land
13 border with Mexico as part of any high intensity drug traf-
14 ficking area other than a single Southwest Border high
15 intensity drug trafficking area.

16 “(e) REMOVAL FROM DESIGNATION.—The Director
17 may remove an area or portion of an area from designa-
18 tion as a high intensity drug trafficking area under this
19 section upon determination that the area or portion of an
20 area no longer is a high intensity drug trafficking area,
21 considering the factors in subsections (c) and (d) in addi-
22 tion to such other criteria as the Director considers to be
23 appropriate.

24 “(f) REVIEW OF CURRENT AREAS.—Within one year
25 from the date of enactment, the Director shall review each

1 current high intensity drug trafficking area to determine
2 whether it continues to warrant designation as a high in-
3 tensity drug trafficking area, considering the factors in
4 subsection (c) in addition to such other criteria as the Di-
5 rector considers to be appropriate. The Director shall re-
6 move from designation any high intensity drug trafficking
7 area or portion of any high intensity drug trafficking area
8 determined to no longer warrant designation.

9 “(g) AUTHORITY OF THE DIRECTOR.—After making
10 such a designation and in order to provide Federal assist-
11 ance to the area so designated, the Director may—

12 “(1) obligate such sums as appropriated for the
13 Program, in accordance with subsection (h);

14 “(2) direct the temporary reassignment of Fed-
15 eral personnel to such area, subject to the approval
16 of the head of the department or agency that em-
17 ploys such personnel; and

18 “(3) take any other action authorized under
19 section 704 to provide increased Federal assistance
20 to those areas.

21 “(h) ALLOCATION OF FUNDING.—In obligating sums
22 appropriated for the Program—

23 “(1) The Director shall expend no less than 30
24 percent of the amounts appropriated under this sec-
25 tion in the seven high intensity drug trafficking

1 areas (excluding the Southwest Border high inten-
2 sity drug trafficking area) the Director determines
3 to have the greatest impact on reducing overall drug
4 traffic in the United States.

5 “(2) The Director shall expend no less than 25
6 percent of the amounts appropriated under this sec-
7 tion in the nine high intensity drug trafficking areas
8 (excluding the Southwest Border high intensity drug
9 trafficking area) the Director determines to have the
10 next greatest impact on reducing overall drug traffic
11 in the United States;

12 “(3) The Director shall expend no less than 20
13 percent of the amounts appropriated under this sec-
14 tion in the Southwest Border high intensity drug
15 trafficking area. The executive committee of the
16 Southwest Border high intensity drug trafficking
17 area may reallocate up to five percent of the total
18 funds allocated to that area among its components,
19 with the approval of the Director.

20 “(4) The Director shall expend no less than 10
21 percent of the amounts appropriated under this sec-
22 tion in the remaining high intensity drug trafficking
23 areas.

24 “(5) In addition to the amounts allocated under
25 paragraphs (1) through (4) of this subsection, the

1 Director may expend 15 percent of the amounts ap-
2 propriated under this section on a discretionary
3 basis. In allocating funds under this paragraph, the
4 Director shall consider the impact of activities fund-
5 ed on reducing overall drug traffic in the United
6 States.

7 “(i) USE OF FUNDS.—

8 “(1) LIMITATION.—No funds appropriated for
9 the Program shall be expended for drug prevention
10 or drug treatment programs.

11 “(2) LIMITATION ON APPLICABILITY.—Para-
12 graph (1) shall not apply with respect to the Balti-
13 more/Washington high intensity drug trafficking
14 area.

15 “(j) TERRORISM ACTIVITIES.—The Director may au-
16 thorize high intensity drug trafficking areas to assist Fed-
17 eral, State, and local law enforcement agencies in inves-
18 tigation and activities related to terrorism and prevention
19 of terrorism, especially but not exclusively where such in-
20 vestigations are related to drug trafficking. The Director
21 shall ensure that assistance to such investigations remains
22 incidental to the mission of high intensity drug trafficking
23 areas to reduce drug availability and carry out drug-re-
24 lated law enforcement activities and that significant re-
25 sources of the high intensity drug trafficking areas pro-

1 gram are not redirected to activities exclusively related to
2 terrorism.

3 “(k) BOARD REPRESENTATION.—None of the funds
4 appropriated under this section may be expended in any
5 high intensity drug trafficking area or for a partnership
6 under the Program in which the executive board or equiva-
7 lent governing committee is not comprised of equal voting
8 representation between representatives of Federal law en-
9 forcement agencies and representatives of State and local
10 law enforcement agencies.

11 “(l) ROLE OF DRUG ENFORCEMENT ADMINISTRA-
12 TION.—The Director in consultation with the Attorney
13 General shall ensure that a representative of the Drug En-
14 forcement Administration is included in the Intelligence
15 Support Center of each high intensity drug trafficking
16 area.

17 “(m) MARIJUANA ENFORCEMENT.—The Director
18 may direct the reallocation of up to 5 percent of funds
19 available for a fiscal year for the Program, from State and
20 local law enforcement agencies to Federal law enforcement
21 agencies to assist in enforcement of Federal law in high
22 intensity drug trafficking areas containing States where
23 State law permits the use of marijuana in a manner incon-
24 sistent with the Controlled Substances Act.

1 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Office of National
3 Drug Control Policy to carry out this section,
4 \$230,000,000 for fiscal year 2004, \$240,000,000 for fis-
5 cal years 2005 and 2006, and \$250,000,000 for fiscal
6 years 2007 and 2008.

7 **SEC. 7. FUNDING FOR CERTAIN HIGH INTENSITY DRUG**
8 **TRAFFICKING AREAS.**

9 (a) SHORT TITLE.—This section may be cited as the
10 “Dawson Family Community Protection Act”.

11 (b) FINDINGS.—Congress finds the following:

12 (1) In the early morning hours of October 16,
13 2002, the home of Carnell and Angela Dawson was
14 firebombed in apparent retaliation for Mrs.
15 Dawson’s notification of police about persistent drug
16 distribution activity in their East Baltimore City
17 neighborhood.

18 (2) The arson claimed the lives of Mr. and Mrs.
19 Dawson and their 5 young children, aged 9 to 14.

20 (3) The horrific murder of the Dawson family
21 is a stark example of domestic narco-terrorism.

22 (4) In all phases of counter-narcotics law en-
23 forcement—from prevention to investigation to pros-
24 ecution to reentry—the voluntary cooperation of or-
25 dinary citizens is a critical component.

1 (5) Voluntary cooperation is difficult for law en-
2 forcement officials to obtain when citizens feel that
3 cooperation carries the risk of violent retaliation by
4 illegal drug trafficking organizations and their affili-
5 ates.

6 (6) Public confidence that law enforcement is
7 doing all it can to make communities safe is a pre-
8 requisite for voluntary cooperation among people
9 who may be subject to intimidation or reprisal (or
10 both).

11 (7) Witness protection programs are insufficient
12 on their own to provide security because many indi-
13 viduals and families who strive every day to make
14 distressed neighborhoods livable for their children,
15 other relatives, and neighbors will resist or refuse of-
16 fers of relocation by local, State, and Federal pros-
17 ecutorial agencies and because, moreover, the contin-
18 ued presence of strong individuals and families is
19 critical to preserving and strengthening the social
20 fabric in such communities.

21 (8) Where (as in certain sections of Baltimore
22 City) interstate trafficking of illegal drugs has severe
23 ancillary local consequences within areas designated
24 as high intensity drug trafficking areas, it is impor-
25 tant that supplementary High Intensity Drug Traf-

1 ficking Areas Program funds be committed to sup-
2 port initiatives aimed at making the affected com-
3 munities safe for the residents of those communities
4 and encouraging their cooperation with local, State,
5 and Federal law enforcement efforts to combat ille-
6 gal drug trafficking.

7 (c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG
8 TRAFFICKING AREAS.—Section 707 is further amended in
9 subsection (i) by adding at the end the following new para-
10 graph:

11 “(3) SPECIFIC PURPOSES.—The Director shall
12 ensure that, of the amounts appropriated for a fiscal
13 year for the Program, at least \$1,000,000 is used in
14 high intensity drug trafficking areas with severe
15 neighborhood safety and illegal drug distribution
16 problems. The funds shall be used—

17 “(A) to ensure the safety of neighborhoods
18 and the protection of communities, including
19 the prevention of the intimidation of potential
20 witnesses of illegal drug distribution and related
21 activities; and

22 “(B) to combat illegal drug trafficking
23 through such methods as the Director considers
24 appropriate, such as establishing or operating
25 (or both) a toll-free telephone hotline for use by

1 the public to provide information about illegal
 2 drug-related activities.”.

3 **SEC. 8. AMENDMENTS RELATING TO COUNTER-DRUG TECH-**
 4 **NOLOGY ASSESSMENT CENTER.**

5 (a) CHIEF SCIENTIST.—Section 708(b) is amended—

6 (1) in the heading by striking “DIRECTOR OF
 7 TECHNOLOGY.—” and inserting “CHIEF SCI-
 8 ENTIST.—”; and

9 (2) by striking “Director of Technology,” and
 10 inserting “Chief Scientist,”.

11 (b) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—

12 Section 708(c) is amended to read as follows:

13 “(c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-
 14 TOR OF NATIONAL DRUG CONTROL POLICY.—

15 “(1) IN GENERAL.—The Director, acting
 16 through the Chief Scientist shall—

17 “(A) identify and define the short-, me-
 18 dium-, and long-term scientific and techno-
 19 logical needs of Federal, State, and local law
 20 enforcement agencies relating to drug enforce-
 21 ment, including—

22 “(i) advanced surveillance, tracking,
 23 and radar imaging;

24 “(ii) electronic support measures;

25 “(iii) communications;

1 “(iv) data fusion, advanced computer
2 systems, and artificial intelligence; and

3 “(v) chemical, biological, radiological
4 (including neutron, electron, and graviton),
5 and other means of detection;

6 “(B) identify demand reduction (including
7 drug prevention) basic and applied research
8 needs and initiatives, in consultation with af-
9 fected National Drug Control Program agen-
10 cies, including—

11 “(i) improving treatment through
12 neuroscientific advances;

13 “(ii) improving the transfer of bio-
14 medical research to the clinical setting; and

15 “(iii) in consultation with the Na-
16 tional Institute on Drug Abuse and the
17 Substance Abuse and Mental Health Serv-
18 ices Administration, and through inter-
19 agency agreements or grants, examining
20 addiction and rehabilitation research and
21 the application of technology to expanding
22 the effectiveness or availability of drug
23 treatment;

24 “(C) make a priority ranking of such needs
25 identified in subparagraphs (A) and (B) accord-

1 ing to fiscal and technological feasibility, as
2 part of a National Counter-Drug Enforcement
3 Research and Development Program;

4 “(D) oversee and coordinate counter-drug
5 technology initiatives with related activities of
6 other Federal civilian and military departments;

7 “(E) oversee and coordinate a technology
8 transfer program for the transfer of technology
9 to State and local law enforcement agencies;
10 and

11 “(F) pursuant to the authority of the Di-
12 rector of National Drug Control Policy under
13 section 704, submit requests to Congress for
14 the reprogramming or transfer of funds appro-
15 priated for counter-drug technology research
16 and development.

17 “(2) PRIORITIES IN TRANSFERRING TECH-
18 NOLOGY.—In transferring technology under the au-
19 thority of paragraph (1)(E), the Chief Scientist shall
20 give priority in transferring technologies most likely
21 to assist in drug interdiction and border enforcement
22 to State, local, and tribal law enforcement agencies
23 in southwest border areas and northern border areas
24 with significant traffic in illicit drugs.

1 “(3) LIMITATION ON AUTHORITY.—The author-
2 ity granted to the Director under this subsection
3 shall not extend to the award of contracts, manage-
4 ment of individual projects, or other operational ac-
5 tivities.

6 (c) ASSISTANCE FROM SECRETARY OF HOMELAND
7 SECURITY.—Section 708(d) is amended by inserting “,
8 the Secretary of Homeland Security,” after “The Sec-
9 retary of Defense”.

10 **SEC. 9. REPEALS.**

11 The following provisions are repealed:

12 (1) Sections 709, 710, and 711.

13 (2) Section 6073 of the Asset Forfeiture
14 Amendments Act of 1988 (21 U.S.C. 1509).

15 **SEC. 10. NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN.**

16 (a) IN GENERAL.—The Director of the Office of Na-
17 tional Drug Control Policy (in this section referred to as
18 the “Director”) shall conduct a national media campaign
19 in accordance with this section for the purpose of reducing
20 and preventing illicit drug abuse among young people in
21 the United States delivered through mass media adver-
22 tising.

23 (b) USE OF FUNDS.—

1 (1) IN GENERAL.—Amounts made available to
2 carry out this section for the national media cam-
3 paign may only be used for the following:

4 (A) The purchase of media time and space.

5 (B) Creative and talent costs.

6 (C) Advertising production costs.

7 (D) Testing and evaluation of advertising.

8 (E) Evaluation of the effectiveness of the
9 media campaign.

10 (F) The negotiated fees for the winning
11 bidder on requests for proposals issued either
12 by the Office of National Drug Control Policy
13 or its designee for purposes otherwise author-
14 ized in this section.

15 (G) Partnerships with community, civic,
16 and professional groups, and government orga-
17 nizations related to the media campaign.

18 (H) Entertainment industry outreach,
19 interactive outreach, media projects and activi-
20 ties, public information, news media outreach,
21 and corporate sponsorship and participation.

22 (I) Operational and management expenses.

23 (2) SPECIFIC REQUIREMENTS.—

24 (A)(i) In using amounts for creative and
25 talent costs under paragraph (1)(B), the Direc-

1 tor shall use creative services donated at no
2 cost to the Government wherever feasible and
3 may only procure creative services for adver-
4 tising—

5 (I) responding to high-priority or
6 emergent campaign needs that cannot
7 timely be obtained at no cost; or

8 (II) intended to reach a minority, eth-
9 nic, or other special audience that cannot
10 reasonably be obtained at no cost.

11 (ii) No more than \$1,000,000 may be ex-
12 pended under this section each fiscal year on
13 creative services, except that the Director may
14 expend up to \$2,000,000 in a fiscal year on cre-
15 ative services to meet urgent needs of the cam-
16 paign with advance approval from the Commit-
17 tees on appropriations of the House of Rep-
18 resentatives and the Senate upon a showing of
19 the circumstances causing such urgent needs of
20 the campaign.

21 (B) In using amounts for testing and eval-
22 uation of advertising under paragraph (1)(D),
23 the Director shall test all advertisements prior
24 to use in the national media campaign to en-
25 sure that the advertisements are effective and

1 meet industry-accepted standards. The Director
2 may waive this requirement for advertisements
3 using no more than 10 percent of the purchase
4 of advertising time and 10 percent of the purchase
5 of advertising space if the advertisements
6 respond to emergent and time-sensitive campaign
7 needs or the advertisements will not be
8 widely utilized in the media campaign.

9 (C) In using amounts for the evaluation of
10 the effectiveness of the media campaign under
11 paragraph (1)(E), the Director shall ensure
12 that the effectiveness of the media campaign is
13 evaluated in a manner that enables consideration
14 of whether the media campaign has contributed
15 to reduction of illicit drug use by
16 youth.

17 (D) For each fiscal year, no more than a
18 total of 3 percent of the amounts appropriated
19 under this section may be used for any costs
20 permitted under subparagraphs (G) and (H) of
21 paragraph (1).

22 (3) LIMITATIONS.—For each fiscal year, not
23 less than 80 percent of the amounts appropriated
24 under this section shall be used for the purchase of

1 advertising time and space for the media campaign,
2 subject to the following exceptions:

3 (A) In any fiscal year for which less than
4 \$125,000,000 is appropriated for the media
5 campaign, not less than 85 percent of the
6 amounts appropriated under this section shall
7 be used for advertising production costs and the
8 purchase of advertising time and space for the
9 media campaign.

10 (B) In any fiscal year for which more than
11 \$195,000,000 is appropriated under this sec-
12 tion, not less than 75 percent shall be used for
13 advertising production costs and the purchase
14 of advertising time and space for the media
15 campaign.

16 (c) ADVERTISING.—In carrying out this section, the
17 Director shall devote sufficient funds to the advertising
18 portion of the national media campaign to meet the goals
19 of the campaign.

20 (d) PROHIBITIONS.—(1) None of the amounts made
21 available under subsection (b) may be obligated or ex-
22 pended for any of the following:

23 (A) To supplant current antidrug community-
24 based coalitions.

1 (B) To supplant pro bono public service time
2 donated by national and local broadcasting networks
3 for other public service campaigns.

4 (C) For partisan political purposes.

5 (D) To fund advertising that features any elect-
6 ed officials, persons seeking elected office, cabinet
7 level officials, or other Federal officials employed
8 pursuant to section 213 of Schedule C of title 5,
9 Code of Federal Regulations, unless the Director
10 provides advance notice to the Committee on Appro-
11 priations of the House of Representatives and the
12 Senate, the Committee on Government Reform and
13 Oversight of the House of Representatives and the
14 Committee on the Judiciary of the Senate.

15 (E) To fund advertising not containing a pri-
16 mary message intended to reduce or prevent illicit
17 drug use.

18 (F) To fund advertising containing a primary
19 message intended to promote support for the media
20 campaign or private sector contributions to the
21 media campaign.

22 (2) The prohibition in paragraph (1)(C) does not
23 apply in connection with the Director's responsibilities
24 under section 704(b)(12) of the Office of National Drug
25 Control Policy Reauthorization Act of 1998 (Public Law

1 105–277; 21 U.S.C. 1701 et seq.). The preceding sentence
2 shall not be construed to suggest that the prohibition in
3 paragraph (1)(C) applied to the Director’s responsibilities
4 under such section before the date of the enactment of
5 this section.

6 (e) MATCHING REQUIREMENT.—(1) Amounts made
7 available under subsection (b) shall be matched by an
8 equal amount of non-Federal funds for the national media
9 campaign, or be matched with in-kind contributions of the
10 same value.

11 (2) The Director shall ensure that 70 percent of no-
12 cost match advertising provided directly relates to sub-
13 stance abuse prevention consistent with the specific pur-
14 poses of the media campaign, except that in any fiscal year
15 in which less than \$125,000,000 is appropriated to the
16 media campaign, the Director shall ensure that 85 percent
17 of no-cost match advertising directly relates to substance
18 abuse prevention consistent with the specific purposes of
19 the media campaign.

20 (3) The Director shall ensure that no-cost match ad-
21 vertising that does not directly relate to substance abuse
22 prevention includes a clear antidrug message. Such mes-
23 sage is not required to be the primary message of the
24 match advertising.

1 (4) Section 317 of the Communications Act of 1934
2 (47 U.S.C. 317) shall not apply to any advertising uti-
3 lizing time or space that is purchased or donated at no
4 cost for the media campaign.

5 (f) FINANCIAL AND PERFORMANCE ACCOUNT-
6 ABILITY.—The Director shall cause the audit and review
7 of costs pursuant to section 304C of the Federal Property
8 and Administrative Services Act of 1949 and an audit of
9 the cost described in section 306 of such Act.

10 (g) STRATEGIC GUIDANCE AND DONATIONS.—The
11 Partnership for a Drug Free America shall serve as the
12 primary outside strategic advisor to the campaign and be
13 responsible for coordinating donations of creative and
14 other services to the campaign, except with respect to ad-
15 vertising created using funds permitted in subsection (b).
16 The Director shall inform the Partnership for a Drug Free
17 America of the strategic goals of the campaign and con-
18 sider advice from the Partnership for a Drug Free Amer-
19 ica on campaign strategy.

20 (h) REPORT TO CONGRESS.—The Director shall sub-
21 mit on an annual basis a report to Congress that de-
22 scribes—

23 (1) the strategy of the national media campaign
24 and whether specific objectives of the campaign were
25 accomplished;

1 (2) steps taken to ensure that the national
2 media campaign operates in an effective and effi-
3 cient manner consistent with the overall strategy
4 and focus of the campaign;

5 (3) plans to purchase advertising time and
6 space;

7 (4) policies and practices implemented to ensure
8 that Federal funds are used responsibly to purchase
9 advertising time and space and eliminate the poten-
10 tial for waste, fraud, and abuse; and

11 (5) all contracts entered into with a corpora-
12 tion, partnership, or individual working on behalf of
13 the national media campaign.

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Office of National
16 Drug Control Policy to carry out this section,
17 \$195,000,000 for each of fiscal years 2004 and 2005 and
18 \$210,000,000 for fiscal year 2006 through 2008.

19 (j) REPEAL OF SUPERSEDED PROVISIONS.—The
20 Drug-Free Media Campaign Act of 1988 (21 U.S.C. 1801
21 et seq.; Public Law 105–277; 112 Stat. 2681–752) is re-
22 pealed.

23 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 714 is amended—

1 (1) by striking “title,” and inserting “title ex-
2 cept activities otherwise specified,”; and

3 (2) by striking “1999 through 2003” and in-
4 serting “2004 through 2008”.

5 **SEC. 12. EXTENSION OF TERMINATION DATE.**

6 Section 715(a) is amended by striking “September
7 30, 2003, this title and the amendments made by this
8 title” and inserting “September 30, 2008, this title and
9 the amendments made to this title”.

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